



Flathead Conservation District
133 Interstate Lane, Kalispell, MT 59901
www.flatheadcd.org 406-752-4220

CALL TO ORDER & ATTENDANCE

Chair Ronald Buentemeier called the September 10, 2018, 310-Stream Permit meeting to order at 7:00 P.M. in the conference room.

Board members present:

Ronald Buentemeier, Chair; Pete Woll, Vice Chair; Dean Sirucek, Secretary/Treasurer; Lori Curtis, Supervisor; John Ellis, Supervisor; Mark Siderius, Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board.

Board members absent: None.

Also in attendance were: Dan Brosten, Associate Supervisor; Valerie Kurth, Hailey Graf and Ginger Kauffman, FCD staff; Leo Rosenthal and Kenny Breidinger, Montana Fish Wildlife & Parks (MFWP); Paul & Holly McKenzie; Frank Hein; Scott Davis; Ron Trippet; William Boyd; Monteen Feldt; Klaus Pfeifer; Brian Averill; Bruce Barrett; Lorne & Leslie Kermath.

MINUTES

Dean Sirucek motioned "to approve the minutes of August 27, 2018, business meeting as presented." Verdell Jackson seconded. Motion carried unanimously.

CORRESPONDENCE

1. Email: National Association of Conservation Districts (NACD) publications:
The Resource, Conservation Clips, eResource
<http://www.nacdnet.org/news-and-events/publications>
- NACD launched registration for the 73rd Annual Meeting in San Antonio, Texas, held February 2-6, 2019. The meeting will be hosted in partnership with the Association of Texas Soil and Water Conservation Districts (ASWCD) at the Marriott Rivercenter in downtown San Antonio, next to the Riverwalk.
<http://www.nacdnet.org/news-and-events>
 2. Email: Petroleum CD newsletter *District Dirt* www.petroleumcd.com
 3. Email: Montana Association of Conservation Districts (MACD) 2018 Convention Sponsorship & Vendor information. <https://macdnet.org>
 4. Email: *Women Stepping Forward for Agriculture* Conference Oct 2-4, Double Tree Hilton, Billings. www.womensteppingforward.org.
 5. Email: Montana Association of Conservation Districts (MACD) newsletter *District Dispatch* <https://macdnet.org>
 6. Email: Conservation Notes from DNRC
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- DNRC has a new deputy director. Kerry Davant will replace Ray Beck as DNRC's deputy director. She has worked for DNRC since 2008; first as the human resources manager and then as chief of staff.
 - The 310 committee met last month and suggested many changes to the joint application. Be looking for another draft soon.
 - The new 310 database is up and running. This database can be used to track 310 applications and to print maps on specific waterways which can be helpful in reviewing 310 applications. Contact Bob Flesher for information & training.
 - The Montana Range Tour will be held September 5-6 in Sidney. Contact Julie Goss, Richland CD, for more information. Register at www.Eventbrite.com
 - The Rangeland Resources Executive Committee will meet September 4th in Culbertson. Contact Stacey Barta 444-6619.
 - The Rangeland Resources Executive Committee is looking a conservation district to host the 2019 Winter Grazing Seminar. This event highlights topics specific to the latest on grazing and rangeland management. Contact Stacey Barta at 444-6619.
 - NRCS posted a series of revised conservation practice standards to the federal register for public review and comment. <http://go.usa.gov/TXye>. Comments due September 24th.
7. Email: Custer County CD newsletter *Conservation Update*. Contact 406-232-7905.
 8. Email: Montana Watershed Coordination Council newsletter *Watershed News* <https://mtwatersheds.org/app>
 9. Email: Flathead Audubon newsletter *The Pileated Post* <http://www.flatheadaudubon.org>
 10. Email: Gallatin CD newsletter *Conservation Journal* <http://www.gallatincd.org>
 11. Email: Missoula CD newsletter <http://www.missoulacd.org>
 12. Email: Announcement from City of Kalispell Parks & Recreation - MUCFA's fall meeting Thursday, September 27th, 11:00A.M. - 3:30 P.M. at the emergency management office, 3619 Wynne Ave. Butte, MT. This will be in conjunction with the League of Cities and Towns meeting being held at the Clarion Inn, Copper King Hotel & Convention Center. At 4:00 P.M. on Thursday Professor John Ball will be speaking to Montana city lawyers about trees and the law. Friday Josh Stoychoff will be presenting the state of the urban forest to all conference attendees and DNRC will be presenting Tree City of The Year winners. Sign up by Sept 14. <https://www.mtleague.org/annual-mlct-conference/participantregistration>
 13. Email: Rosebud & Big Horn Conservation Districts newsletter *Conservation Connection*. Rosebud CD 406-346-7333 Ext. 101, Big Horn CD 406-665-3442
 14. Email: DNRC Reclamation & Development grant applications due 12/3/2018. Contact Heidi Anderson Fohnagy, 406-444-6691, hfohnagy@mt.gov



FINANCIAL

The following bills were reviewed:

1. Byte Savvy \$55.00
2. Flathead Beacon \$528.00
3. Mountain States Leasing \$1,545.56

Mark Siderius motioned “to approve the bills as presented.” Verdell Jackson seconded. Motion carried unanimously.

PUBLIC COMMENT PERIOD

No one was present to comment on items not listed on the agenda.

310

Averill, FL2018032C, Viking Creek tributary, complaint: John Ellis stated the onsite inspection was held 8/16, however, Mr. Averill did not attend. Water is backing up on a neighboring property north of where the culverts are located. The northern culvert is shorter, and the southern culvert empties into a spot where another culvert goes under Wisconsin Avenue and then into the lake. The area between the culverts was functioning, but the entrance at the northern culvert was overgrown and needs maintenance. John Ellis motioned “this is not a violation as defined by district rules, however maintenance is needed.” Mark Siderius seconded. Motion carried unanimously.

Ronald Buentemeier stated if a culvert is plugged, it is the landowner’s responsibility to maintain it. Mark Siderius noted that an application for maintenance has been submitted, so this really is not a violation and can be handled in a friendly manner.

Averill, FL2018055, Viking Creek tributary, sediment removal: John Ellis stated an application has been submitted for sediment removal between the north and south culverts, however, work also needs to be done at the entrance to the north culvert. He requested an onsite inspection so the applicant or his representative can attend and see what needs to be done. The applicant could then submit a modification to the application for the work at the front of the north culvert and a plan or drawing of the proposed project.

An onsite inspection was scheduled for Monday, September 17, 8:00 A.M. at the site.

Boyd, FL2018040C & FL2018041C, Nine Mile Creek, complaints: Mr. Boyd stated this is a similar complaint as was previously filed and resolved earlier this year, but these are two new complaints. Mr. Boyd welcomed supervisors and FWP to come and look at the site again. He explained that conditions at the site are similar to those during the previous inspection. Water can flow, but at this time of year, it is barely a trickle, and the creek goes underground in some places. The water table is low, and there has been no measurable precipitation recently. He also stated that receiving letters via certified mail was inconvenient for him. He will attend the onsite if his schedule allows. His neighbor, Klaus Pfeifer, also noted that almost no water is coming into Duck Lake and there is very little water flow into and through the dam at the outlet. Ronald Buentemeier explained that



regardless if we have seen a site before, if we receive another complaint, we have to view the site again per our Adopted Rules. He also explained that complaint letters have to be sent via certified mail per the Adopted Rules.

An onsite inspection was scheduled for Friday September 14, 8:15 A.M. at the site. Kenny Breidinger, FWP, chose to waive the onsite inspection. Klaus Pfeifer gave approval to access the site through his property.

Mr. Boyd asked for clarification as one of the complaints listed a number of issues along the creek, such as pumps in water, pump house, and a diversion, which did not pertain to him. Ronald stated the complainants did attend the last meeting and were told they would have to file specific complaints for each of those issues.

Brosten, FL2018035E, Flathead River, notice of emergency:

Pete Woll explained that this is one that was already approved by the board, but, since there were not two supervisors at the onsite inspection, a second one had been held with him, John Ellis, Kenny Breidinger and Valerie Kurth. He and John thought the action looked fine, but they could not find anything in the FCD Adopted Rules or Montana statute that required two supervisors for emergency actions, although two are required for complaints per the Adopted Rules. Ronald thought that two were required based on an incident several years ago in the vicinity of the Flathead River Middle Fork and South Fork. The supervisors agreed that more background information was needed.

Davis, FL2018029C, East Spring Creek, complaint: Dean Sirucek explained the onsite inspection was held 8/17/18. Measurements were taken and the fill area is approximately 30 feet away from the top of the streambank. Dean Sirucek motioned “this is not a violation as defined by the district rules.” Lori Curtis seconded. Motion carried unanimously.

Dunnagan/LEC, FL2018050, Tobie Creek, utilities: An onsite inspection was scheduled for Monday, September 17, 9:50 A.M. at the site.

FH Stoltze L&L, FL2018046E, Third Creek, notice of emergency:

An onsite inspection was scheduled for Thursday, September 20, 8:30 A.M. at the site.

FH Stoltze L&L, FL2018047E, Second Creek, notice of emergency:

An onsite inspection was scheduled for Thursday, September 20, 8:30 A.M. at the site.

FH Stoltze L&L, FL2018051, Haskill Creek, bridge/bank stabilization:

An onsite inspection was scheduled for Thursday, September 20, 8:30 A.M. at the site.

FH Stoltze L&L, FL2018052, First Creek, bridge/bank stabilization:

An onsite inspection was scheduled for Thursday, September 20, 8:30 A.M. at the site.

FH Stoltze L&L/Bonnell, FL2018056, Potter Creek, bridge/bank stabilization:

An onsite inspection was scheduled for Tuesday, September 18, 9:45 A.M. at the site.



Flathead National Forest, FL2018037, Haskill Creek, bridge: Lori Curtis reported an onsite inspection was held 8/8/18, and noted this is a small tributary to Haskill Creek. There is a very old existing bridge that has caved in and needs to be rebuilt. Lori reviewed considerations in the Team Member Report. Lori Curtis motioned “to approve the application as submitted.” Mark Siderius seconded. Motion carried unanimously.

Gardner/Apgar, FL2018045C, Whitefish River, complaint: Ronald Buentemeier motioned “to send the standard complaint letter to the landowners.” Lori Curtis seconded. Motion carried unanimously.

Garner, FL2018042, Krause Creek, culvert: Valerie Kurth reported she and Pete Woll did a pre-onsite, and then she and Leo Rosenthal did the official onsite inspection. Valerie showed photos of the sites and reported that they had walked along the channel from the driving bridge to the clogged culvert. The channel had insufficient capacity to convey the runoff this spring, and sediment was deposited well above the banks throughout the area. The elevation of the upstream and downstream ends of the culvert now differs by about 5 feet, so they discussed the danger of creating another head-cut if the grade was not correct. Leo suggested placing some large rocks in the channel and up and downstream of the culvert for grade control, or consult with a specialized engineer. The landowner was asked to submit a cross section based on the creek assessment that was done several years ago. The landowner then contacted an engineer, who reviewed the project and created plans for the culvert and channel. The engineer recommended increasing the size of the culvert from a 6-foot to 7-foot round equivalent and re-establish the channel by excavating it up to at least the bridge. This will effectively make the grade control unnecessary.

Leo Rosenthal stated there is a lot of aggradation upstream of the culvert and the pipe has not been effectively conveying water and debris. The drawing submitted 9/10/18 shows how far up the aggradation goes and the extent of the proposed channel excavation. He noted that the channel reconstruction is the most appropriate solution for this situation. He added that currently there is no water in the channel. The board briefly discussed the length of the channel excavation, which will be approximately 750-1,100 feet.

Pete Woll stated the drawing submitted by the engineer shows bedding material is one foot under the pipe and does not touch the pipe. Native material is proposed to be placed on top of the bedding material and along the haunches of the pipe. He suggested that good bedding material be used around the pipe since that is where it is most likely to fail.

Mark Siderius noted further that the culvert will be bedded in ½ inch crushed material, but native, 3-inch material would be used for backfill. Imported fill material should extend at least around the curve of the pipe. The board discussed the size and placement of the fill to best ensure success. They agreed that they should bed, compact and back fill the culvert up to where the curve of the pipe begins to taper in towards the top using more adequate material - ¾ or 1½ inch crush.

Pete Woll motioned “to approve the application per drawing submitted 9/10/18, with the modification that the pipe be bedded in a minimum of ¾-inch crushed material to the top of



the culvert and this material be mechanically compacted.” Mark Siderius seconded. Motion carried unanimously.

Gilbert, FL2018049C, Bales Creek, complaint: Dean Sirucek motioned “to send the standard complaint letter to the landowner.” Lori Curtis seconded. Motion carried unanimously.

Hein, FL2018039, Flathead River North Fork, bank stabilization: Ronald Buentemeier stated this was a rip rap project that was permitted a number of years ago. Some of the bank has washed out, and the landowner wants to repair it by hand-placing additional shale rock. Ronald reviewed considerations in the Team Member Report.

Ronald Buentemeier motioned “to approve the application as submitted and per the Team Member Report.” John Ellis seconded. Motion carried unanimously. Ronald Buentemeier motioned “to waive the 15-day waiting period.” Lori Curtis seconded. Motion carried unanimously.

Juno/Harring, FL2018034C, Walker Creek, complaint: Both the landowner (Juno) and the adjacent landowner (Harring) submitted responses to the complaint letter, and an onsite inspection was held 8/14/2018. Supervisors noted that this is a violation; however, Harring is the violator for doing unauthorized work on Juno’s property. Juno’s submitted a 310-permit application to correct damage to their property from the unauthorized work done by Harring. The application was approved at the 8/27/2018 business meeting so work could begin as soon as possible. No motion was made regarding the complaint at the business meeting. Supervisors agreed that the complaint should be tabled until the Work Completion form is submitted.

Mark Siderius motioned “to table the complaint.” Pete Woll seconded. Motion carried unanimously.

Lackey, FL2018053, Tacklin Creek, utilities: An onsite inspection was set for Tuesday, September 18, 2:45 P.M. at the site.

Morton/McKay Ent, FL2018044C, Whitefish River, complaint: John Ellis motioned “to send the standard complaint letter to the landowner.” Mark Siderius seconded. Motion carried unanimously.

Motley, FL2018022, Mill Creek, culvert: Pete Woll reported when the application was submitted last spring, the water was too high to judge the project. During the subsequent 8/29/18 onsite, the landowner was asked to submit a new drawing. The drawing was submitted 9/10/18, and it showed a well-bedded, 5-foot equivalent squash pipe, but the drawing was not to scale and not representative of the site.

Pete Woll motioned “to approve the application with modifications submitted 9/10/18, with the addition of adding a 6-8% grade on both sides of the stream crossing to get the elevation back to the farm ground on both sides. Also adding drain dips on both sides of the culvert to make sure the water drains onto the filtration zone rather than into the stream.” Dean Sirucek seconded. Motion carried unanimously.



Randolph, FL2018036, Whale Creek, tree removal: Ronald Buentemeier reported the landowner wants to remove a tree as the stream has washed out the base and the tree is falling over.

Ronald Buentemeier motioned “to approve the application as submitted.” Lori Curtis seconded. Motion carried unanimously.

Schottelkorb/O’Neil, FL2018054, Bowser Spring Creek, trail: Verdell Jackson reported this is an after-the-fact application for a gravel trail. Some of the trail was on one of the other lots so they had to move it over closer to the creek. They plan to slope the bank so water does not run into the creek and they will seed the area with grass. Kenny Breidinger noted that most of the work is done, and some revegetation still needs to be completed. The after-the-fact permit application is to satisfy complaint FL2018030C.

Verdell Jackson motioned “to approve the application as submitted.” Mark Siderius seconded. Motion carried unanimously.

Stalowy, FL2016050, Bear Creek, litigation: Valerie Kurth reported that Stalow did not appeal the court decision. A thank-you letter has been sent to Caitlin Overland, Flathead County Attorney’s office. It was noted that this is still an active permit but no longer needs to be on the agenda.

Trippet, FL2018048, Flathead River, bank stabilization: An onsite inspection was scheduled for Tuesday, September 18, 1:30 P.M. at the site.

Westwood Park LLC, FL2018030C, Bowser Spring Creek, complaint: Verdell Jackson reported that activity was started without a valid permit. The landowner must and has already submitted an after-the-fact application to satisfy the violation.

Mark Siderius motioned “this is a violation per the Adopted Rules. The after-the-fact permit application #FL2018054 will satisfy the violation when work is completed.” Dean Sirucek seconded. Motion carried unanimously.

Other 310’s

Whale Creek: Ronald Buentemeier stated Mr. Jacobson called him. The water is down considerably now and he wants to pull out additional trees. Ronald will call Mr. Jacobson and ask him to submit an application for the September business meeting.

Trumbull Creek: A complaint (#FL2018057) against J&J Ranch/Shockey on Trumbull Creek was submitted to the district office today. This is in Lori Curtis’s area and will be placed on the 9/24 business meeting agenda.



NEW BUSINESS

Cost-Share Program: Valerie Kurth explained that all three new applicants want to begin weed spraying this fall when herbicide application would still be effective. Bruce Barrett stated he has 12 acres on Bierney Creek Road near Lakeside with knapweed and oxeye daisy. The area was logged but the weeds were not treated. He did brush hog, but still wants to treat with herbicides just after the first frost then again in the spring. Mr. Barrett stated he also represents his neighbor, Tony Pepe. Pepe owns a 20 acre tract adjacent to Barrett's, and his roadway is infested with knapweed. Another 5 acres owned by Pepe were logged. It was treated; however, not effectively. Valerie stated they are adjacent landowners and have the equipment to do the work themselves. Leslie & Loren Kermath stated they live up Rhodes Draw and own 15 acres. They have been spraying and pulling weeds for several years, but a wildfire fuels reduction thinning project through DNRC caused the weeds to spread on the disturbed ground. Valerie noted that the property is large and the topography is diverse. The Kermaths have talked to a knowledgeable contractor so they can be sure to use the right chemicals for knapweed, hawkweed and hounds tongue. Valerie presented a budget for each application based on NRCS EQIP rates and contractor estimate for the Kermaths, and she provided the board an overview of the cost-share program to date. More inquiries have been received and new applications are still expected.

Dean Sirucek motioned "to approve the Barret cost-share weed control project in the amount of \$303.99." Lori Curtis seconded. Motion carried unanimously.

Lori Curtis motioned "to approve the Kermath cost-share weed control project in the amount of \$1537.50." Dean Sirucek seconded. Motion carried unanimously.

Dean Sirucek motioned "to approve the Pepe cost-share weed control project in the amount of \$303.46." Lori Curtis seconded. Motion carried unanimously.

310 Adopted Rules Updates: Supervisors were given copies of the process for changing/updating the Adopted Rules to keep in their Supervisor Handbooks.

Mark Siderius motioned "that we do not update or change the Adopted Rules at this time, and simply continue to compile a list of changes or items we feel could be improved until such time there is enough information to justify the length of the process." Pete Woll seconded. Motion carried unanimously.

Mark stated in reviewing the proposed changes, listening to the discussion, and receiving information from DNRC and district staff, our current rules are a model for the rest of the state. The few changes we are proposing do not have enough substance to justify the amount of time the rule-changing process would take. The real problems are things that need to be discussed at the table, not updated in the rules. Supervisors agreed that a meeting or work session should be set up to discuss areas that need clarification. Dean noted it was especially important to have a meeting before Mark leaves the board as he has valuable institutional knowledge. Scheduling the work session will be placed on the October 9th 310-Stream Permit meeting agenda.



MATTERS OF THE BOARD/STAFF

- Hailey Graff noted that she has updated 310 information on the website and asked supervisors to look at the site and contact her with any input. Ronald Buentemeier asked for a hard copy of changes that were made. Hailey stated she could make a handout.
- Valerie Kurth stated several weeks ago she had sent out an email regarding the Invasive Species Listening Session to be held Tuesday, September 11, and noted both terrestrial weeds and aquatic invasive species will be addressed. If Supervisors are interested, they can attend the session or complete the online survey.

The next business meeting is scheduled for Monday, September 24, 2018, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell.

Adjournment: Lori Curtis motioned “to adjourn.” Verdell Jackson seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:22 P.M.

Submitted By:

Ginger Kauffman
Administrator

Valerie Kurth, Ph. D.
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>9/24/2018</u>	<u>Ronald Buentemeier</u>	<u>Chair</u>
(Date)	(Signature)	(Title - Chair etc.)

